

DECLARATION OF ROMMY H. REVSON UNDER 37 CFR § 1.132

I, Rommy H. Revson, hereby state and declare the following:

1. I reside at 13831 Quarter Horse Trail, Wellington, FL 33414.
2. I have been extensively involved in the fashion accessory industry for more than 20 years.
3. I am the inventor of at least eight (8) United States patents for fashion accessories including, inter alia, hair holding devices.
4. I am the inventor of the globally-recognized, fabric-covered, elastomeric hairband, "scrunchy", which has been recognized as an official word in the English language, as evidenced by its inclusion in the Random House Webster's Dictionary, Third Edition. The term, scrunchy, describes the inventions covered under three of my issued patents, U.S. Design Patent 292,030 (the "030 Patent"), U.S. Design Patent 356,393 and U.S. Design Patent 316,226.
5. In 1989 I initially granted L&N Sales and Marketing, Inc., then of Huntingdon Valley, PA, an exclusive right to make, sell and use the invention described under the 030 Patent. Altogether, I've been in the licensing world since 1989 and have licensed the patents, described in Paragraph 4, to at least eight different companies between the years 1989 and 2001. Two of the aforementioned eight companies, Claire's Stores and Goody Products, were at that time publicly traded.
6. In March 2005, L&N's hair accessory business was acquired by Conair Corporation ("Conair") of Stamford, CT. On information and belief, Conair continues to sell one or more of the inventions described under a least one of the three patents described in Paragraph 4.
7. Based on my information and belief, the scrunchy, since its inception in 1987, has become the most popular-selling hair accessory of all time, worldwide.
8. Based on my information and belief, annual wholesale revenues for the scrunchy described under the 030 Patent, alone, exceeded \$100 million in nearly each year between 1989 and 2001.
9. I am very familiar with hair holding devices, including spring-biased hair clips of the type having first and second pivotally connected body members biased toward one another by a spring and typically opened by a pair of handles that are squeezed by a user.
10. The hair holding devices described in Paragraph 9 suffer from the problem of slipping or falling from a user's hair. I have been aware of this problem for as long as I have been aware of the existence of such devices.


11. Prior and subsequent to inventing scrunchy hairbands I repeatedly tried and failed to produce a hair holding device of the type described in Paragraph 9 to overcome the problem therewith described in Paragraph 10.

12. I have reviewed and understand the invention described and claimed in United States Patent Application No. 10/764,237 (" '237 application").

13. Based on my review of the '237 application, I believe that a hair holding device constructed in accordance with the hair holding device as claimed in independent claim 1 of the '237 application, in particular -- a hair holding device having first and second body members pivotally connected via a hinge means, and a slip friction adjustment means coaxially arranged with respect to the hinge means -- would produce a hair holding device whose hair gripping portions would firmly engage and not slip or fall from a shock of hair, and therefore would solve the long-standing and notorious slippage problem associated with conventional spring-biased hair clips described in Paragraph 10.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the '846 application or any patent resulting therefrom, declares that the facts set forth in this declaration are true; all statements made of her own knowledge are true; and all statements made on information and belief are believed to be true.

Nov. 29/07
Date


Rommy H. Revson